

Appl. No. 09/783,835

### **REMARKS**

New claims 64-69 are added. Claims 53-55 and 60-69 are pending in the application.

Claims 53-55 and 60-63 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dunlop, U.S. Patent No. 5,590,389 in view of Weber, U.S. Patent No. 4,786,469, and Sakamoto, Japan Patent No. 49007777. The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claims 53-55 and 60-63 are allowable over the cited combination of Dunlop, Weber and Sakamoto for at least the reason that the references, individually or as combined, fail to teach or suggest each and every limitation in any of those claims.

Independent claim 53 recites a physical vapor deposition target comprising an alloy of copper and one or more other elements, the other elements being present at a total concentration of 0.001 at% to 1.0 at% and being selected from the group consisting of Mo, Tc, Re and Tl. As noted by the Examiner at page 3 of the present action, Dunlop does not disclose or suggest the recited copper based alloy. Additionally, Dunlop does not disclose or suggest the recited physical vapor deposition target comprising the recited copper based alloy. Weber discloses copper based metals comprising additional grain refining elements (col. 2, ll. 3-4). Weber further discloses that the copper based metal must contain a minimum of at least 4 additional elements, one of which must be either titanium or zirconium (col. 2, ll. 5-23). Weber does not teach or suggest the claim 53 recited other

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elements being present in a copper alloy at a total concentration of from 0.001 at% to 1.0 at%, and being selected from the group consisting of Mo, Tc, Re and Tl. Further, Weber does not disclose or suggest the recited physical vapor deposition target comprising the recited alloy of copper and one or more other elements.

Sakamoto discloses a copper alloy containing thallium. Sakamoto does not disclose or suggest the recited alloy of copper and a total concentration of other elements from less than 1.0 at% to 0.001 at%. Further, Sakamoto does not teach or suggest the recited physical vapor deposition target comprising the recited alloy. As combined, Dunlop, Weber and Sakamoto do not teach or suggest the claim 53 recited physical vapor deposition target comprising an alloy of copper containing a total concentration of other elements from less than 1.0 at% to 0.001 at% and being selected from the group consisting of Mo, Tc, Re and Tl. Accordingly, independent claim 53 is not rendered obvious by the combination of Dunlop, Weber and Sakamoto and is allowable over these references.

Claims 54-55 and 60-63 are allowable over the combination of Dunlop, Weber and Sakamoto for at least the reason that they depend from allowable base claim 53.

New claims 64-69 do not add "new matter" to the application since each is fully supported by the specification as originally filed. Claims 64-69 are supported by the specification at, for example, page 11, line 14 through page 12, line 11. Claims 65 and 66 are additionally supported by the specification at, for example, page 9, lines 9-11; and the tables at page 10.

For the reasons discussed above claims 53-55 and 60-63 are allowable and claims 64-69 are believed allowable. Accordingly, applicant respectfully requests formal allowance of pending claims 53-55 and 60-69 in the Examiner's next action.

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The Examiner states at page 2 of the present action that a new oath or declaration is required due to the presence of a handwritten correction on the original declaration. As indicated by the Examiner during a telephone discussion in July 2002, the oath/declaration requirement can be fulfilled by a proper statement by the attorney who prepared and filed the declaration stating that the correction does not alter the affirmations of the oath or declaration, and that the correction was not made subsequent to the execution of the document. Applicant includes herewith the statement of Mark S. Matkin, Reg. No. 32,268, attesting to the fact that the subject correction was present on the original declaration upon receipt of the executed document from the inventor and was not entered subsequent thereto, and that such correction does not change the affirmations of the declaration. Accordingly, applicant believes that the declaration submitted on May 2, 2000 is valid in accordance with MPEP § 602.01 and that no substitute declaration is necessary.

Applicant notes that the copy of a form 1449 initialed by the examiner which accompanied the present Action is an incomplete copy which is missing the top portion of the page. The form was submitted by the applicant on February 14, 2001. Applicant requests a replacement copy of the initialed form 1449.

Respectfully submitted,

Dated:

*September 26, 2002*

By:

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Application Serial No. .... 09/783,835  
Filing Date ..... February 14, 2001  
Inventor..... Shozo Nagano et al.  
Assignee..... Honeywell International Inc.  
Group Art Unit..... 1742  
Examiner ..... Ip, Sikyin  
Attorney's Docket No. .... 30-5000-DIV3  
Title: Physical Vapor Deposition Target

**VERSION WITH MARKINGS TO SHOW CHANGES MADE ACCOMPANYING  
RESPONSE TO JULY 5, 2002 OFFICE ACTION**

**In the Claims**

The claims have been amended as follows. Underlines indicate insertions and ~~strikeouts~~ indicate deletions.

New claims 64-69 are added.

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